

**REMARKS**

The outstanding objection to the drawings is respectfully traversed. The action objected to the drawings for failing to show a bipolar element formed in a third region of the substrate. The applicant respectfully submits that the foregoing cancellation of claim 10 overcomes the objection and therefore requests reconsideration and withdrawal of the same.

Claims 1-9 are at issue. Claims 1-3 and 5-10 were rejected as unpatentable over Gray et al. (U.S. Pat. 4,536,945) in view of Wheeler et al. (U.S. Pat. 6,015,991). Claim 4 was rejected as indefinite. The applicant respectfully traverses the rejections.

The applicant submits that claim 1 is not obvious over Gray et al. in view of Wheeler et al. The action does not make out a *prima facie* case of obviousness. For example, the action does not point to disclosure that would suggest or motivate one of ordinary skill in the art to combine the cited references with a DMOS element. The action appears to suggest that a DMOS element would work equally well as other elements with the combination of Gray et al. and Wheeler et al. However, just because a DMOS element would make the device work is not a sufficient motivation for the combination, nor does it indicate the prior art suggests the desirability of the combination. In other words, the mere fact that the prior art can be, or is capable of being, combined or modified does not render the resulting combination obvious absent a suggestion of the desirability of the combination. See MPEP 2143.01.

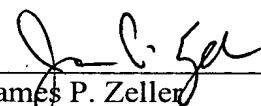
Additionally, the action appears to cite an incorrect standard for combining a DMOS element with Gray et al. and Wheeler et al. The action states that a whether the MOS element of the combination of Gray et al. and Wheeler et al. is a DMOS element or any other MOS element, “none of such of element would make any change in the spirit and scope” of the combination of Gray et al. and Wheeler et al. However, this has never been recognized as a standard for demonstrating a suggestion or motivation to combine. The rejections of Claims 1-3 and 5-10 are therefore improper for failing to cite references that teach, suggest, or otherwise provide a proper motivation to combine all the claim limitations.

Regarding the indefiniteness rejection of claim 4, the applicant respectfully submits that the foregoing amendment to the claim overcomes this rejection. The applicant therefore respectfully traverses the indefiniteness rejection of claim 4, and requests reconsideration of the same.

Accordingly, the applicant respectfully submits that all pending claims are patentable over the art of record and should be allowed. In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited.

Should the examiner have any questions, the examiner is respectfully invited to telephone the undersigned.

Respectfully submitted,  
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